

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 9790PERMIT 5540LICENSE 3021ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS License 3021 was issued to Andrew O. Lyall and was filed with the County Recorder of San Diego County on September 10, 1948, and

WHEREAS said license was subsequently assigned to Andrew O. and Ione W. Lyall, and

WHEREAS the State Water Rights Board has found that the change in point of diversion under said license for which petition was submitted on March 17, 1966, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said point of diversion in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said License 3021 to a point of diversion described as follows, to wit:

DUE WEST 760 FEET FROM NE CORNER OF PROJECTED SECTION 9, T10S, R1W, SBB&M, BEING WITHIN $NE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SAID SECTION 9.

Dated: SEP 5 1967

L. K. Hill
L. K. Hill
Executive Officer



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

LICENSE 3021

PERMIT 5540

APPLICATION 9790

THIS IS TO CERTIFY, That **Andrew O. Lyall, Pala, California** *Notice of Assignment (Over)*

has made proof as of **July 31, 1944**

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of **Pauma Creek in San Diego County**

tributary to **San Luis Rey River**

for the purpose of **irrigation**
under Permit **5540** of the Department of Public Works and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from **December 12, 1939;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **seventy-five hundredths (0.75) cubic foot per second from about October 1 of each year to about July 15 of the succeeding year, provided however that the rate of diversion may be increased if there be no interference with prior vested rights and provided further that not more than twenty-nine (29) acre-feet may be diverted during any 30 day period or more than forty-nine (49) acre-feet during any irrigation season.**

The point of diversion of such water is located **West nine hundred ninety (990) feet and South three hundred thirty (330) feet from the northeast corner of Section 9, T 10 S, R 1 W, S.B.B. & M., being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 9.**

A description of the lands or the place where such water is put to beneficial use is as follows:

2 Acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 9, T 10 S, R 1 W, S.B.B. & M.	
19 $\frac{1}{2}$ " " SW $\frac{1}{4}$ of NE $\frac{1}{4}$ " " " " " "	
5 " " NW $\frac{1}{4}$ of NE $\frac{1}{4}$ " " " " " "	
1 " " SE $\frac{1}{4}$ of NE $\frac{1}{4}$ " " " " " "	
3 " " NE $\frac{1}{4}$ of NE $\frac{1}{4}$ " " " " " "	
30 Acres - Total	

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 8th
day of September, 1948

[SEAL]

EDWARD HYATT, State Engineer

By A. D. Edmonston
A. D. Edmonston
Assistant State Engineer

4/13/56 RECEIVED NOTICE OF ASSIGNMENT TO James W. Lyall
11-26-71 Name changed to Estate of Andrew C. Lyall
5-13-81 Name of James W. Chgd to Estate of
6-19-84 asgd to Lyall Enterprises, Inc.

LICENSE 3021

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Andrew C. Lyall

DATED September 1948

37196 8-44 1M STATE PRINTING OFFICE